

House Engrossed Senate Bill

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 106

SENATE BILL 1039

AN ACT

AMENDING SECTION 21-202, ARIZONA REVISED STATUTES; RELATING TO JURY SERVICE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 21-202, Arizona Revised Statutes, is amended to
3 read:

4 21-202. Persons entitled to be excused from jury service

5 A. It is the policy of this state that all qualified citizens have an
6 obligation to serve on juries when summoned by the courts of this state,
7 unless excused.

8 B. On timely application to the court, the following persons shall be
9 excused temporarily from service as a juror if the judge or jury commissioner
10 finds that any of the following applies:

11 1. The prospective juror has a mental or physical condition that
12 causes the juror to be incapable of performing jury service. The juror or
13 the juror's personal representative shall provide to the court or jury
14 commissioner a medical statement from a physician who is licensed pursuant to
15 title 32, a physician assistant who is licensed pursuant to title 32, chapter
16 25 or a registered nurse practitioner who is licensed pursuant to title 32,
17 chapter 15 that explains an existing mental or physical condition that
18 renders the person unfit for jury service. If a prospective juror does not
19 have a physician, a physician assistant or a registered nurse practitioner,
20 the prospective juror or the juror's personal representative shall provide a
21 sworn statement from a professional caregiver for the prospective juror that
22 is deemed acceptable by the court or jury commissioner and that explains the
23 mental or physical condition that renders the prospective juror incapable of
24 performing jury service. For the purposes of this paragraph:

25 (a) The statement shall be in writing and shall contain a description
26 and duration of any mobility restrictions, the specific symptoms that make
27 the prospective juror mentally or physically unfit for jury service and their
28 duration, the employment status of the prospective juror and the printed
29 name, signature, professional license number if applicable, area of specialty
30 and contact information of the authorizing physician, physician assistant,
31 registered nurse practitioner or professional caregiver.

32 (b) A form that complies with this paragraph shall be made available
33 at courthouses, the Arizona medical board website, the Arizona regulatory
34 board of physician assistants website, the Arizona board of osteopathic
35 examiners IN MEDICINE AND SURGERY website, the board of nursing website and
36 other appropriate locations that are identified by the court or jury
37 commissioner.

38 (c) These documents are not public records and shall not be disclosed
39 to the general public.

40 2. Jury service by the prospective juror would substantially and
41 materially affect the public interest or welfare in an adverse manner.

42 3. The prospective juror is not currently capable of understanding the
43 English language.

1 4. Jury service would cause undue or extreme physical or financial
2 hardship to the prospective juror or a person under the prospective juror's
3 care or supervision. For the purposes of this paragraph:

4 (a) A judge or jury commissioner of the court for which the person was
5 called to jury service shall determine whether jury service would cause the
6 prospective juror undue or extreme physical or financial hardship.

7 (b) A person who requests to be excused under this paragraph shall
8 take all actions necessary to obtain a ruling on the request before the date
9 on which the person is scheduled to appear for jury duty.

10 (c) Undue or extreme physical or financial hardship is limited to the
11 following circumstances in which a person:

12 (i) Would be required to abandon a person under the potential juror's
13 care or supervision due to the impossibility of obtaining an appropriate
14 substitute caregiver during the period of participation in the jury pool or
15 on the jury.

16 (ii) Would incur costs that would have a substantial adverse impact on
17 the payment of the person's necessary daily living expenses or on those for
18 whom the potential juror provides regular employment or the principal means
19 of support.

20 (iii) Would suffer physical hardship that would result in illness or
21 disease.

22 (d) Undue or extreme physical or financial hardship does not exist
23 solely based on the fact that a prospective juror will be required to be
24 absent from the prospective juror's place of employment.

25 (e) A person who requests to be excused under this paragraph shall
26 provide the judge or jury commissioner with documentation that supports the
27 request to be excused, such as federal and state income tax returns, payroll
28 records, medical statements from physicians licensed pursuant to title 32,
29 physician assistants licensed pursuant to title 32, chapter 25 or registered
30 nurse practitioners licensed pursuant to title 32, chapter 15, proof of
31 dependency or guardianship or other similar documents. The judge or jury
32 commissioner may excuse a person if the documentation clearly supports the
33 request to be excused. These documents are not public records and shall not
34 be disclosed to the general public.

35 5. The prospective juror is a peace officer who is certified by the
36 Arizona peace officer standards and training board and who is employed as a
37 peace officer by this state or any political subdivision of this state. The
38 employer of a peace officer shall not in any way influence the peace officer
39 to make or not to make an application to the court, pursuant to this section,
40 to be excused from jury service.

41 6. A judge or jury commissioner of the court for which the person was
42 called to jury service excuses the prospective juror for good cause based on
43 a showing of undue or extreme hardship under the circumstances, including
44 being temporarily absent from the jurisdiction or a lack of transportation.

1 7. THE PROSPECTIVE JUROR IS SUMMONED WITHIN FOUR YEARS AFTER THE
2 PROSPECTIVE JUROR'S LAST DAY OF SERVICE ON A GRAND JURY IN THIS STATE. THIS
3 PARAGRAPH DOES NOT APPLY TO A PERSON SELECTED AS AN ALTERNATE GRAND JUROR.

4 C. Notwithstanding subsection B OF THIS SECTION, a prospective juror
5 who is at least seventy-five years of age may submit a written statement to
6 the court requesting that the person be excused from service. The
7 prospective juror may request to be excused temporarily or permanently. On
8 receipt of the request, the judge or jury commissioner shall excuse the
9 prospective juror from service.

10 D. A person who is excused temporarily pursuant to this section
11 becomes eligible for qualification as a juror when the temporary excuse
12 expires unless the person is permanently excused from jury service.

13 E. A person may be permanently excused only if the deciding judge or
14 jury commissioner determines that the underlying grounds for being excused
15 are permanent in nature or the person is permanently excused under
16 subsection C OF THIS SECTION.

17 F. If the judge, jury commissioner or jury manager permanently excuses
18 the person from jury service, the person shall be notified that the person is
19 permanently excused.

APPROVED BY THE GOVERNOR MAY 6, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 6, 2016.

Passed the House March 30, 2016,

by the following vote: 54 Ayes,

0 Nays, 6 Not Voting

[Signature]
Acting Speaker of the House
Pro Tempore

[Signature]
Chief Clerk of the House

Passed the Senate February 24, 2016,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this~~

~~_____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

~~Approved this _____ day of~~

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

S.B. 1039

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State~~

~~this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 4, 2016

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

4th day of May, 2016

at 4:26 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 6th day of

May

at 3:25 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 6th day of May, 2016

at 5:03 o'clock P. M.

[Signature]
Secretary of State